

C O U N C I L C O M M U N I C A P O N

TO: THE CITY COUNCIL
FROM: THE CITY MANAGER'S OFFICE

COUNCIL MEETING DATE:
JUNE 21, 1989

SUBJECT: ADOPTION OF ORDINANCE NO. 1457 - AN ORDINANCE OF THE LODI CITY COUNCIL
 PROHIBITING SMOKING IN CITY-OWNED FACILITIES

Ordinance No. 1457 - "An Ordinance Of The Lodi City Council Prohibiting Smoking in City-owned Facilities" was introduced at the regular meeting of the Lodi City Council held June 7, 1989.

Pursuant to State Statute, ordinances may be adopted five days after their introduction following reading by title.

This Ordinance has been approved as to form by the City Attorney.

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the Lodi City Council to adopt Ordinance No. 1457.

Alice M. Reimche
Alice M. Reimche
City Clerk

AMR:jj

COUNCOM1
TXTA.02D

ORDINANCE NO. 1457

AN ORDINANCE OF THE LODI CITY COUNCIL
PROHIBITING SMOKING IN CITY-OWNED FACILITIES

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

SECTION 1. A new chapter _____ is hereby added to the Lodi Municipal Code prohibiting smoking in City-owned facilities, and shall read as follows:

§ Definitions.

1. "City-owned building or facility" shall mean any and all structures owned or under the control of the City of Lodi, customarily used for municipal purposes, including places of public assembly.
2. "Enclosed space" shall mean any space contained within a roof and walls on all sides, normally used for human habitation or occupation.
3. "Sign" shall mean a device utilizing letters at least one inch high, posted in a conspicuous place, advising that smoking is allowed within a room or space in which such sign is posted.
4. "Smoke" or "Smoking" shall mean the inhaling, exhaling, lighting, burning, or carrying of any lighted cigar, cigarette, pipe,

tobacco product or other vegetable material customarily burned for the ingestion of the smoke produced thereby.

§ Prohibition of smoking in public building or facilities.

It shall be unlawful for any person to smoke any cigar, cigarette, pipe, tobacco product or similar substance within any enclosed space located in any City-owned building or facility, whether or not such space is open to the public, unless appropriate signs are posted designating such space to be a "smoking permitted" area.

§ Exceptions.

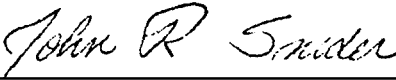
This ordinance shall not apply to:

- A. Any City-owned outdoor facility, intended and utilized primarily for recreational purposes, including parks and stadiums or similar places where members of the public assemble to engage in or witness athletic competitions or entertainment events. However, smoking in such locations or facilities as designated by the City Manager may be prohibited by posting of appropriate signs indicating that smoking is not permitted.
- B. Jail or detention facilities in which arrestees, sentenced or unsentenced prisoners are confined.
- C. Enclosed spaces in City-owned facilities designated by the City Manager, and appropriately signed, allowing smoking.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

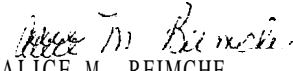
SECTION 3. This ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 21st day of June, 1989



JOHN R. SNIDER
Mayor

Attest :


ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, **do** hereby certify that Ordinance No. 1457 was introduced at a regular meeting of the City Council of the City of Lodi held June 7, 1989 and **was** thereafter passed, adopted and ordered to print at a regular meeting of said Council held June 21, 1989 by the following vote:

Ayes : Council Members - Olson, Reid and Snider (Mayor)
Noes : Council Members - Pinkerton
Absent: Council Members - Hinchman
Abstain: Council Members - None

I further certify that Ordinance No. 1457 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to Form

A handwritten signature in cursive script, appearing to read "BW McNatt", followed by a horizontal line.

BOBBY W. McNATT
City Attorney

ORD1457/TXTA.01V